

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
March 3, 2009**

Chair Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:05 P.M. at the Town Hall, 343 Highland Road. Members present were: Ms. Cote, Mr. McDonald, Mr. Corr (arrived at 7:10 PM), Mr. Moniz, Mr. DiMauro, and Mr. Hardy. Also in attendance were the Board's new Administrative Officer and Clerk Kate Michaud, the Board's legal counsel Peter D. Ruggiero, Town Planner Christopher Spencer, and the Director of Public Works Stephen Berlucchi. Board members Ms. Sylvester and Mr. Marks were absent.

1. Stephen Berlucchi, PE – Department of Public Works – 50 Industrial Way – Tiverton, RI 02878 – Request Reimbursement for Emergency Maintenance – Discussion & Approval of Action Plan for Work Remaining – Continued from February 2, 2009 - \$65,350 (Cash) – Ford Farm (Major Subdivision) Stephen Berlucchi was present on behalf of the petition as well as attorney Jeremiah Leary on behalf of the developer, GHJ Investments. Mr. Leary stated that he had spoken with Mr. Berlucchi and stated that he agreed that the action items listed in Mr. Berlucchi's March 2, 2009 memo (See file), which included:

- Clean catch basins and drain lines,
- Sweep the roadway,
- Mow roadway shoulders and retention basins,
- Back up berms with loam and seed,
- Complete drainage and sewer easements, and
- Complete as-built plans.

Mr. Leary stated that these items would be completed prior to the Planning Board's April 7th meeting. Mr. Berlucchi stated that if the work was not completed in thirty (30) days, he would like to immediately begin the process of hiring a contractor to complete the unfinished work. Mr. Leary had no objection to immediate action after the April 7th meeting, if the developer had not completed the work. Mr. Moniz noted that the grass mowing would probably not be possible at this time of year due to the weather. Mr. Hughes suggested that any work not done in thirty (30) days would be completed under Mr. Berlucchi's direction.

Engineer William Smith of Civil Engineering Concepts, speaking from the audience, stated that some of the subcontractors, such as his company had not been paid. He stated that they had not yet been paid to set bounds, and therefore could not complete the required as-built plans. He asked if the surety money could be used to pay for their services. Mr. Leary stated that he would try to work with Mr. Smith to resolve that issue. Mr. Ruggiero stated that he would need to check the procedure for use of surety funds by the Town.

At this time (7:10 PM), Mr. Corr arrived at the meeting. Mr. Ruggiero suggested that the Board could conditionally call the surety, to take effect at the next meeting (April 7th) allowing time for the developer to cure the defects.

Mr. Moniz made a motion to conditionally call the surety, effective April 7th if the work was not completed. Mr. Hardy seconded the motion. The motion passed 6-0-1. Ms. Cote, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor. Mr. Corr abstained due to his late arrival.

2. JPS Realty – c/o Arthur Smith – 3626 Main Road – Tiverton, RI 02878 – Request Six (6) Month Extension of Performance Guarantee - \$25,000 – Expires March 20, 2009 – Tanglewood Drive & Bayberry Lane – Indian Rock Estates Attorney Jeremiah Leary, engineer William Smith of Civil Engineering Concepts and developer Arthur Smith of JPS Realty were present on behalf of the petition. Mr. Berlucchi stated that all of the items listed in his November 5, 2008 memo (See file) had been completed as of his inspection performed that day. Mr. Smith submitted the as-built plans to the Board.

The Chair reviewed the list of outstanding items from the November 5th memo, including:

- Streetlighting,
- Lower the curb stop at 57 Tanglewood Drive,
- Raise hydrants at both cul de sacs,
- Submit as-built plans,
- Repair settled blacktop around a watergate at the intersection of Tanglewood Drive and Bayberry Lane,
- Sweep and clean roadway,
- Clean all drainage lines and structures, and
- Backup all bituminous concrete berms with loam and seed.

Mr. Berlucchi stated that the basins had been cleaned and swept before the winter, and would need to be cleaned and swept again. He stated that the contractor (Grandview, also owned by Arthur Smith) had indicated that they would perform the necessary work and that he (Mr. Berlucchi) was comfortable that the work would be done.

The Chair noted that this agenda item had been advertised as a six (6) month extension and that a petition for street acceptance and surety release would need to be advertised to allow residents an opportunity to attend and voice any concerns. Mr. Leary stated that they were trying to avoid extending the Letter of Credit. Mr. Ruggiero confirmed that the only issue before the Board that night was the surety extension and that the street acceptance petition could be placed on the Board's April agenda. Mr. Berlucchi suggested that the applicant could allow the Letter of Credit to expire and post cash surety in its place.

A discussion ensued regarding the amount of surety to be held. Mr. Smith suggested that \$5,000 should be sufficient. Mr. Corr made a motion to reduce the surety to \$5,000 and allow a three (3) month extension (the new expiration date would be June 20, 2009). Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor. Mr. Leary stated that he would submit an agenda request to appear before the Board in April for a recommendation regarding acceptance of the public improvements.

3. Douglas Rivera & Anastasia Hulsizer – Nonquit Realty – 2939 Main Road – Tiverton, RI 02878 – Design Plan Review (Zoning Ordinance Article XX) – Continued from February 2, 2009 - Map 1-9 / Block 74 / Lot 1 – W/S Main Road, N/S Nanaquaket Bridge – Commercial / Mixed-Use (TC – 4/9/09) No one was present on behalf of the petition. A letter dated February 27, 2009 (See file) from the owners' architect (Eric Howeler of Howeler + Yoon Architects) had been received by the Board requesting a continuance and an extension of the time clock for an additional thirty (30) days.

Mr. Moniz asked if the Board would be asked to approve the plan or if they would be acting in an advisory capacity. Mr. Spencer stated that when the application was first received, it had been determined that it did not require a Site Plan Review, but it did require a Design Plan Review. Mr. Moniz asked if a Special Use Permit would be necessary, which would make the Planning Board advisory to the Zoning Board. Mr. Ruggiero replied that the original plan to reconstruct the existing building had already received Zoning Board approval. He noted that the plan for new construction had been proposed to the Planning Board. Mr. Ruggiero stated that the applicants had indicated that they might return to their original [ZB approved] reconstruction plan, which would not require Planning Board review. New construction would require Planning Board review.

Mr. DiMauro made a motion to continue this agenda item to the April 7th Planning Board meeting. Mr. Hardy seconded the motion. The motion passed 6-0-1. Ms. Cote, Mr. Corr, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor. Mr. McDonald abstained due to his status as an abutting property owner. The time clock was extended for an additional thirty (30) days, the new expiration date being May 9, 2009.

4. Countryview Estates, LLC – 325 Hurst Lane – Tiverton, RI 02878 – Major Subdivision (Road Required) – Final Plan Review -- Continued from November 17, 2008 – South of Watuppa Avenue, South of Bullfrog Lane – Watuppa Plantation – 14 Lots on 11.64 +/- acres (TC - 3/31/09) Attorney Jeremiah Leary was present on behalf of the petition and stated that the Wastewater Management Commission (WWMC) had

approved the sewer design at their meeting the night before - March 2, 2009. A letter dated March 3, 2009 had been received from Wastewater Management Superintendent John Lincourt (See file).

Mr. Leary noted that the legal documents would need to be updated. The Chair stated that a surety estimate, dated July 15, 2008, had been received from Mr. Berlucchi (See file). Mr. Leary opined that the amount of \$576,300 should be set as recommended. Mr. Berlucchi reconfirmed his original recommendation.

The Chair noted that a letter had been received from Commonwealth, dated October 2, 2008 (See file), stating that they had no outstanding issues.

Mr. Berlucchi stated that both Countryview Estates pump station generators had been installed and inspected and were functional and Watuppa Plantations will tie into these pump stations. Mr. Moniz asked if the pump station within Watuppa Plantations had been constructed. The Chair replied in the negative, noting that it was an item covered by the surety.

Mr. Spencer asked if the sewer line running underneath one of the dwellings in Countryview Estates had been relocated. Mr. Berlucchi replied in the negative. He stated that the WWMC would not allow any sewer tie-ins in Watuppa Plantations until the situation was corrected. Mr. Leary noted that this issue had been discussed when the former Chairman of the WWMC Chris Nearpass and Mr. Lincourt had appeared before the Planning Board on October 11, 2007. Mr. Berlucchi stated that no building permits would be issued without the WWMC's approval of the sewer connections. Mr. Corr asked if the Board should increase the surety amount to account for this problem. Mr. Berlucchi replied that the WWMC had approved the plan. Mr. Hardy stated that the Board should not second-guess the WWMC.

Mr. Spencer asked if the Countryview Estates sewer system would be made public. Mr. Leary stated that it would be accepted as public at some point and that easements may be needed.

The Chair reviewed and read aloud the required findings of the Land Development and Subdivision Regulations - Section 23-45 a. (1-5). The Chair asked the Board if they had any outstanding issues. Hearing none, Mr. Hardy made a motion to make positive findings. Mr. Corr seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro and Mr. Hardy voted in favor.

Mr. Hardy made a motion to grant Final Plan Approval, with no recording until the surety of \$576,300 was received, in the form of cash or a Letter of Credit, and receipt and approval of the updated legal documents. Mr. Corr seconded the motion. Mr. Spencer suggested establishing an escrow account for construction inspections. The Chair agreed, noting that the Board had very limited funds and had to pay inspectors and then wait for reimbursement from the developers. He suggested a 5% escrow or \$25,000. Mr. Moniz inquired about interest on the escrow funds. Mr. Ruggiero stated that if the money was placed in an interest-bearing account, than the interest would belong to the applicant and the Town Treasurer would determine what type of account the funds would be placed in. The motion to grant Final Plan Approval passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor.

Ms. Cote made a motion to require the establishment of a \$25,000 escrow account for construction inspections, with the balance to be maintained by the applicant. Mr. DiMauro seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor.

5. Paul J. Tavares – 164 Slades Corner Road – Dartmouth, MA 02748 – Site Plan / Design Review (Zoning Ordinance Article XX) – New Farmstand / Garden Center – Map 3-13 / Block 107 / Card 13C – W/S Wm. Canning Blvd., North of Aquidneck Drive – Tavares Hillside Farms (TC - 4/23/09) Applicant Paul Tavares and his surveyor/engineer Donald Medeiros of Abel Engineering were present on behalf of the petition. Mr. Medeiros described the location of the parcel as being on the west side of Wm. Canning Boulevard

within the Highway Commercial (HC) Zone. The existing current use of the parcel is a fruit and vegetable stand, which also sells sheds. Mr. Medeiros noted that the frontage was on a State highway (William Canning Boulevard) with two (2) existing curb cuts. The existing stand would be razed and replaced with a 1,620 square foot building. The new building would be used to sell fruit, vegetables and garden center related inventory. There would also be a designated outdoor display area. Mr. Medeiros stated that 8.1 parking spaces were required and 13 would be provided. In addition RIDOT (Rhode Island Department of Transportation) approval would be required and a PAP (Physical Alteration Permit) application had been submitted. He noted that RIDOT had issued a letter stating that they agreed with the concept (See file).

Drainage improvements were discussed. Mr. Medeiros stated that the rate and volume of stormwater runoff would be reduced. He noted that General Contractor Peter Whalen and Ernest Fisher, who assisted in writing the grant application used to help fund the project, were seated in the audience.

The Chair asked if the parking area needed to be paved. Mr. Medeiros replied that the area was currently graveled and that the slope of the site causes an ongoing erosion problem. Mr. Hardy asked if the number of parking spaces could be reduced in order to reduce the amount of impervious surface. Ms. Cote asked where overflow parking would be if the spaces were reduced to 8? Mr. Medeiros replied that there would be nowhere else to park.

Mr. Corr asked if public water was available. Mr. Medeiros replied in the negative, noting that a drilled well would be used. Mr. Berlucchi inquired about a screen for the dumpster. Mr. Medeiros replied that a fence with vinyl slats would be used.

The Chair inquired about Note 5 on the plan regarding an access easement. Mr. Medeiros stated that the easement was located at the north end of the site and consisted of a small triangle of Mr. Tavares' land that the neighbor's driveway passed over (Block 107, Card 13B – Cook, Mashall, Tasso, Brunelle & KB Associates).

Mr. Hardy asked if the business would be seasonal. Mr. Tavares replied that it would be seasonal for now. Mr. Hardy commented on the attractive design proposed. Mr. DiMauro noted that there were no windows proposed for the south side of the building and suggested that they should be included since that elevation would receive a good amount of sunshine. Mr. Tavares replied that the south side would contain three (3) windows and there would be windows within the doors.

Mr. Spencer inquired about the building material, asking if it would be steel. Mr. Tavares replied in the negative, stating that the current plan was to use vinyl shingles with a wood appearance, PVC trim and an architectural shingle roof. Mr. Spencer suggested a standing seam metal roof, due to the low pitch. Mr. Tavares replied that the proposed pitch had been increased. Mr. Medeiros displayed a copy of "fine tuned" drawings of the design, stating that he would obtain copies for the Board.

Mr. Moniz asked if there was currently a sidewalk in this location. Mr. Medeiros replied that there was none, and none was being required by RIDOT. He stated that he had received a copy of Commonwealth's letter, dated March 3, 2009 (See file) and that he would respond to their comments. Mr. Spencer opined that the landscape buffer for the parking lot (Commonwealth's comment No 3 under the "landscape plan" section) should not be required.

Mr. Moniz asked if the applicant would continue to sell sheds. Mr. Medeiros replied in the affirmative. Mr. Tavares stated that he would not be selling more sheds than he does currently. Mr. Ruggiero stated that the sheds could be seen as an obstruction within the setback and that he should check with Building / Zoning Official Gareth Eames regarding their placement.

Mr. Moniz asked if the sign was permitted. Mr. Ruggiero again suggested that the applicant should check with Mr. Eames and should obtain a letter for the Board's file. Mr. Tavares stated that he would keep the existing sign, which had been in place for more than ten (10) years. Mr. Medeiros stated that the sign was located on

State property and that RIDOT had indicated that it needed to be removed. However, RIDOT had also indicated that they would entertain a request to allow the sign to remain with a license and a yearly fee. Mr. Medeiros stated that he had spoken with Mr. Eames regarding the sign, and that he had indicated that he had no issue with the sign as long as the area conforms to the requirements of the Zoning Ordinance. Mr. Medeiros noted that the sign to the north was for the abutting commercial condominiums and was also located on State property.

Mr. Hardy inquired about lighting. Mr. Medeiros stated that the lighting was depicted on the site plan, with two (2) ground lights on the sign and the rest on the building. He stated that they had tried to keep the lighting to a minimum. Mr. Hardy asked what types of lights were proposed. Mr. Tavares replied that they were undecided, but that something attractive would be used. Mr. Whalen speaking from the audience stated that lantern-style lights were being considered.

The Chair suggested that the applicant should consult with Mr. Eames regarding the Use Classification of the business: specifically, if this business would be classified under Section 10f. or 10g. – Retail Business of Zoning Ordinance Article IV – District Use Regulations. The Chair noted that one use was permitted and the other required a Special Use Permit.

Mr. Corr asked if the sewer connection would utilize a force main. Mr. Medeiros replied in the affirmative. Mr. Corr asked where the roof runoff would drain. Mr. Medeiros replied that the runoff would be piped to a flared end outlet at the southwest corner of the property and would discharge to the abutting parcel (Card 12 - Cory).

Mr. Corr asked if the rear of the lot would be re-graded. Mr. Medeiros replied that they would create a slight berm with a swale to direct the water to the southwest. He noted that Card 12 (Cory) was a large vacant wooded parcel. Mr. Berlucchi and Mr. Medeiros discussed the proposed basin and outlets. Mr. Medeiros stated that the site currently drains to the north and that the proposed level spreader would slow down the runoff. He stated that the proposal had been discussed with the abutters to the northwest (Card 13B) and that the abutters had agreed to allow the applicant to tie into their parking lot catch basin. A written agreement was submitted for the record. Mr. Medeiros stated that the agreement would allow them to eliminate the low flow outlet and tie in directly to the catch basin. He noted that all of the abutter's catch basins drained to the west towards the 6 Rod Way paper street.

Mr. Moniz inquired about signage on the building. Mr. Medeiros replied that building signage was proposed, and referred to Note 18 on the plan. He stated that he had discussed this signage with Mr. Eames and that the sign would not exceed the allowed square footage. Mr. Moniz opined that a sign on the building would distract from the design and would add clutter. Mr. Medeiros replied that they were waiting to hear from RIDOT regarding the existing freestanding sign.

Mr. Corr asked if a drainage easement for the tie-in to the abutter's catch basin would be required. Mr. Medeiros replied in the affirmative. The Chair asked how the Board wished to handle Commonwealth's issues. Mr. Spencer opined that some of the issues were not applicable. Mr. Hardy stated that he was mostly concerned with the number of parking spaces and the building materials. The Chair suggested that the five (5) parking spaces on the south side of the property could be changed to gravel. Mr. Moniz stated that he was in agreement with the plan as presented.

By consensus, the Board agreed to waive the requirement listed in Commonwealth's comment No. 3 under "Landscape Plan" (regarding a buffer to the street). Mr. Medeiros inquired about comment No. 1 in the same section, regarding the need for a stamp and signature from a Professional Landscape Architect. By consensus, the Board agreed to waive the requirement.

The Chair noted that the time clock would expire on April 23, 2009. He suggested that the applicant should return to the Board if they could not resolve Commonwealth's issues. Mr. DiMauro made a motion to authorize the Administrative Officer to work with Commonwealth and the applicant to resolve outstanding issues. Mr. Hardy seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor.

Ms. Cote made a motion to make a positive recommendation of the site plan / design plan to the Building / Zoning Official, pending resolution of Commonwealth's outstanding items. Mr. Corr seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor.

Mr. DiMauro clarified that there was nothing in the Planning Board's decision limiting the business to seasonal operation. The Board members agreed.

At this time, 8:35 PM, the Chair called for a five (5) minutes recess. The meeting reconvened at 8:40 PM.

6. Manuel Costa (Owner) – Joe & Louis Pacheco (Applicant) – Sip & Dip Realty – 309 Market Street – Warren, RI 02885 – Concept Site Plan / Design Review (Zoning Ordinance Article XX) – Map 4-9 / Block 144 / Card 5 – S/S Bulgarmarsh Road, E/S Crandall Road – Donut Shop w/ Drive Thru (no time clock)

Applicants Joe and Louis Pacheco Attorney William Dennis of Bristol, traffic engineer Paul Bannon of RAB Engineering and engineer Ron Blanchard of Site Engineering were present on behalf of the petition. Mr. Dennis stated that this petition had started with a building permit application; the Building Official, Gareth Eames, had referred the applicant to the Zoning Board for a Special Use Permit for the proposed donut shop drive-thru, which had triggered the Planning Board's Concept Review. Mr. Dennis stated that the Zoning Board was carrying this item on their agenda pending a recommendation from the Planning Board. He added that he was new to the application, and this was his first meeting representing the applicant.

Mr. Blanchard stated that he had not yet mapped the topography of the site, but that it was in process. He stated that Mr. Bannon had visited the site and would be improving the plan from a traffic standpoint. Mr. Blanchard also stated that the applicant was trying to get a level of comfort with the layout plan in order to proceed to the Zoning Board for the Special Use Permit and they were hoping to receive the Special Use Permit prior to finalizing the detailed drainage plans with the Planning Board.

Mr. Bannon inquired about the level of detail needed for the traffic study. He noted that State permits would also be required and described the existing conditions and his idea to shift the driveways away from the intersection of Bulgarmarsh and Crandall Roads. Parking would also be reconfigured to make the site more pedestrian-friendly. He noted the difficulty in planning, since the applicant would only use half of the building and they were unsure of the future use of the remaining half. The Chair noted that the plan received by the Board was totally different from the plan displayed by Mr. Bannon. Mr. Hughes stated that it was difficult to comment without having the revised plan to review. Mr. Bannon asked the Board to comment on the use as a drive-thru.

The Chair inquired about the proposed number of parking spaces. Mr. Bannon replied that sixteen (16) spaces were proposed on the revised plan and noted that the site could easily be altered to accommodate more parking in the future. He also stated that he did not wish to see the site "overbuilt" at this point.

Mr. DiMauro noted that this was a very important area of Town and asked if anything could be done to improve the building architecturally. Mr. Hardy agreed that this area was highly visible and stated that he would like to see the visual character enhanced in accordance with the Comprehensive Community Plan (Comp Plan). Mr. Hardy stated that the Comp Plan speaks against drive thru's; citing litter concerns and the energy inefficiency of running [vehicle] engines and could not recommend that the Zoning Board issue a Special Use Permit. He stated that, in his opinion, the use was not consistent with the Comp Plan. He stated that he would be willing to make a concession regarding the drive-thru if the applicant could make concessions regarding the appearance.

Mr. Bannon stated that the applicant would need to determine what could be done with the building since they were not the owners and would only be leasing a portion of the building. Mr. Blanchard noted that the building was currently vacant and that their proposal would bring business to the location. Mr. Blanchard added that the applicant planned to renovate the exterior of the building. Mr. Pacheco (applicant) speaking from the audience

stating that he planned to renovate the exterior of the whole building. Mr. DiMauro stated that the Board would like to work with the applicant on the design. Mr. Moniz suggested an ad-hoc technical review committee meeting. Mr. Dennis stated that the proposed renovation plans might be in the Building Official's office. Mr. Pacheco stated that their contractor, Joe Arruda, had the plans.

Mr. Blanchard asked if this review could be done prior to the April Zoning Board meeting. Mr. Corr replied that it did not seem possible and stated that he wished that the revised plans had been submitted for review prior to the evening's meeting. Mr. Bannon stated that they had full flexibility on the site. A discussion ensued regarding the desirability of fast-food drive-thru service in general.

Mr. Spencer stated that he would be looking for access from Crandall Road and for pedestrian connections. Mr. Bannon opined that they could work together and that there would be a landscape plan and that the amount of pavement would be minimized. He also stated that the drive-thru would not hinder access to the parking spaces.

Mr. DiMauro stated that he did not particularly like drive-thrus and that the building appearance was extremely important. Mr. Hardy noted that the Zoning Board would need to find the plan consistent with the Comprehensive Community Plan. Mr. Bannon stated that he would work with the Planning Board and the owner. He stated that a full traffic study would be performed. He noted that an application would be made to RIDOT (Rhode Island Department of Transportation) once the Planning Board was comfortable with the concept adding that he would meet with RIDOT prior to submitting an application.

Mr. Blanchard asked how the Board would like to project the full use of the building noting that they could only project a permitted use. Mr. Corr opined that a drive-thru at this location could be possible with a very tasteful design. Mr. Blanchard asked if Mr. Corr would be in favor of renovating the existing building. Mr. Corr replied in the affirmative.

Ms. Cote asked how much interaction the applicant had with the property owner. Mr. Dennis replied that they were very cooperative. Mr. DiMauro noted that future expansion on the site would be an important factor to consider as well.

The Chair suggested that the applicant should meet with the ad-hoc technical review committee. He also suggested that the plans and resulting traffic study could be formalized based on discussion, after which time the applicant could return to the full Planning Board for review.

Mr. Moniz asked if the current conditions encroached on the State's right of way. He stated that he would like to see the right of way area cleared out, since the State might be improving that intersection. Mr. Blanchard stated that he would locate and document the existing conditions. A brief discussion ensued regarding possible improvements to the intersection.

Mr. DiMauro made a motion to continue this petition pending an ad-hoc technical review committee meeting and revisions and additions to the plans. Ms. Cote seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor. The ad-hoc technical review group consisted of the Chair, Mr. DiMauro, Mr. Marks, Mr. Spencer, Mr. Eames and any other Town officials interested in attending. Mr. Corr was the alternate member.

Mr. Ruggiero suggested that the applicant should send a letter to the Zoning Board regarding their agenda, since the applicant would not be ready for the April Zoning Board meeting.

(Note: this petition was a Concept Review. A complete, formal Development Plan Review application will need to be made prior to a Planning Board decision.)

7. Jake Upton, Managing Director – Edward A. Fish Associates, LLC – 536 Granite Street – Braintree, MA 02184 – Review & Update – Unpaid Escrow and Reimbursements – N/S Canonicus Street, E/S State

Avenue, W/S Bent Street – Bourne Mill Redevelopment (Comprehensive Permit) No one was present on behalf of the petition. The Chair stated that he had spoken with Mr. Upton and had told him that it would not be necessary to appear since all of Commonwealth's bills had been paid up to date as of February 27, 2009. The escrow funds discussed at the January 6, 2009 Planning Board meeting (See minutes) had not been received. The Chair stated that a new closing date had been set for March 21, 2009. There was no vote required for this item.

8. Town Planner/Administrative Officer

A. Town Planner Items

- 1. Comprehensive Community Plan Update** Mr. Spencer distributed copies of his submissions to the State regarding the Comprehensive Community Plan update. He stated that some of the submissions were explanations regarding proposed changes to the Plan in accordance with the State's comments and concerns. Also included in Mr. Spencer's handout were suggestions by the State that were not incorporated into the Plan. The Chair asked if this handout contained was a complete listing of the proposed changes. Mr. Spencer replied in the affirmative. The proposed changes had not yet been incorporated into the Plan.

Mr. Hardy stated that he had only recently received the document and that he would like to be ready to act to approve the changes to the Plan at the next Planning Board meeting. He opined that the proposed changes were excellent. Mr. Hardy noted that the Town Council was waiting for the revisions and that a public hearing must be scheduled to adopt the changes. Mr. Ruggiero noted that a joint Planning Board / Town Council public hearing could be held. Mr. Hardy strongly urged the Board to expedite the review of the document as quickly as possible. Mr. Hardy stated that he would like to avoid word-smithing the changes.

Mr. Corr suggested a Special Meeting. The Board decided that a workshop would be preferable. A workshop was scheduled for Thursday, March 26th at 7:00 PM at the Community Center, 346 Judson Street.

- B. Administrative Officer's Report** The former Administrative Officer, Mr. Spencer distributed his reports for February and March.

- C. Miscellaneous** There was no discussion of this item.

9. Tiverton Planning Board

- A. Status of Fee Schedule Revisions** Mr. Hardy informed the Board that the Town Council had scheduled a public hearing for March 9th and he would attend.

- B. Schedule for Zoning Rewrite** Mr. Hardy stated that the ad-hoc subcommittee had met twice. A discussion ensued regarding scheduling the next subcommittee meeting. Mr. Hardy noted that a schedule for the rewrite was necessary. The Board agreed that the rewrite would be added to the March 26th workshop agenda for a quick review. The next ad-hoc subcommittee meeting was scheduled for March 31st at 9:00 AM at the Community Center. Mr. Hardy suggested setting an agenda and distributing materials in advance. Subcommittee members include: the Chair, Ms. Cote, Mr. Marks and Mr. Hardy.

C. Miscellaneous

1. Mr. Moniz suggested that applications made to the Planning Board should be assigned a unique identifier in order to make it easier to search the minutes. He also suggested that the Board move forward with addressing signage issues. Mr. Ruggiero suggested that the Board could come up with a pictorial of recent desirable construction, which could be put into a booklet for developers. Mr. Hardy noted that Grow Smart RI had offered to help with this process.

- D. Correspondence** There was no discussion regarding this item.

E. Approval of Minutes:

January 6, 2009 Mr. DiMauro made a motion to approve the minutes as amended. Mr. Corr seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor.

February 3, 2009 Mr. Hardy made a motion to approve the minutes. Mr. Moniz seconded the motion. The motion passed 5-0-2. Mr. Corr, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor. Ms. Cote and Mr. McDonald abstained since they were not present at that meeting.

F. Adjournment: Mr. Moniz made a motion to adjourn. Mr. DiMauro seconded the motion. The motion passed unanimously. Ms. Cote, Mr. Corr, Mr. McDonald, Mr. Hughes, Mr. Moniz, Mr. DiMauro, and Mr. Hardy voted in favor.

The meeting adjourned at 9:50 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____
Kate Michaud, Clerk

Approval Date: April 7, 2009